

COUNCIL PROCEEDINGS

MARCH 2, 1999

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 2, 1999
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Rogers; present. *Council Members Ferris, Kamen; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. David Anders, West Side Baptist Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The minutes of the regular meeting of February 23, 1999, were approved 5 to 0. (Ferris, Kamen; absent)

AWARDS AND PRESENTATIONS

PROCLAMATIONS Mayor Knight presented the Proclamations that were previously approved.

*Council Members Ferris, Kamen; present.

RECOGNITION Outstanding youth volunteers of Wichita's Promise SERVE Council were recognized.

NEW BUSINESS

PETITION TO PAVE BUTLER **PETITION TO PAVE BUTLER, FROM K-15 HIGHWAY TO CLIFTON.** (District III)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 99-175.

On September 16, 1997, the City Council approved a Petition to pave Butler, from K-15 Highway to Clifton. The opponents of the project appealed the Council's action to District Court and won on the basis of what constitutes a resident owner. The supporters of the project have submitted a new Petition, which conforms to the District Court ruling, and has signatures representing 16 of 30 (53.3%) resident owners of 23.2% of the improvement district area. CPO Council 3 considered the Petition on January 28, 1999. The Council voted 6-0 to recommend disapproval of the Petition. The Council's opposition was based on the continued opposition to the project and the fact that some lots have multiple owners.

This Petition is the result of efforts spanning at least 15 years of staff working with paving proponents in the neighborhood to attempt to obtain majority support for paving not only Butler, but the other unpaved street in this neighborhood as well. Staff provided petitions to pave all of the unpaved street in the neighborhood and held an informational meeting with property owners on January 21, 1997. Since that time, staff has prepared a Petition to pave Butler using the square foot method of defining the improvement district. When that Petition failed to gain majority support, staff responded by providing the Petition this is now being presented to the Council for consideration.

Butler is a sand street that serves a neighborhood of single-family homes. The street drains poorly and is difficult to maintain. Several of the property owners have cited dust and allergies as prime reasons for requesting the paving.

The estimated project cost is \$133,000. The funding source is special assessments. The method of assessment is the front foot basis. The estimated assessment to individual properties is \$47.00 per front foot.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

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Fred Schaar Fred Schaar spoke regarding the various ways of considering property ownership and stated that a majority of the property owners do not want the paving. The method of signatures on the last petition is illegal.

Betty Schaar Betty Schaar also spoke against the project.

William Brown William Brown said he selected this location to live because it is a rural-type area. Paving will destroy the character of the street.

Mr. Brown stated that he did not believe the lawmakers intended for the law to be used as it is being used in this case.

Carolyn May Storie Carolyn May Storie spoke in favor of the paving project. In the first petition, an attempt was made to equalize payments but that was thrown out in district court.

The map does not show owners of record not living in the City of Wichita.

Ms. Storie urged approval.

Council Member Lambke Council Member Lambke spoke in support of paving all streets in the City of Wichita.

Council Member Rogers left the Bench.

Motion -- Lambke moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Rogers absent)

-- carried

RESOLUTION NO. R-99-082

Resolution of findings of advisability and Resolution authorizing improving of Butler from the east line of K-15 State Highway to the west line of Clifton, Project No. 472-83080 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

Council Member Rogers present.

PETITION TO PAVE HOLYOKE PETITION TO PAVE HOLYOKE, FROM 25TH STREET NORTH TO 27TH STREET NORTH. (District I)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 99-176.

The signatures on the Petition represent 16 of 30 (53.3%) owners that own 50.5% of the improvement district area. CPO Council 6 considered the Petition on February 8, 1999. Representatives of Grant Chapel AME Church were present to oppose the project. The CPO Council voted 6-0 to recommend approval of paving Holyoke from 25th to 26th and to defer paving the block from 26th to 27th (adjacent to the church property). The signatures on the one block segment south of the church represent 10 of 20 owners and 66.6% of the area. The signatures on the block adjacent to the Grant Chapel property represent 6 of 10 owners and 34.7% of that area.

Holyoke is a sand road that is difficult to maintain and drains poorly. It serves an area primarily comprised of single-family homes.

The estimated project cost is \$160,000. The funding source is special assessments. The method of assessment is the front foot basis. The estimated assessment rate is \$00.42 per square foot of ownership.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Anthony Hughes Anthony Hughes, Pastor of Grant Chappel AME Church, said this project would be a hardship on Grant Chappel and several of the residents in the assessment area. Many of the residents thought funding for the project would be from other city sources, not from special assessments.

James Rolfe James Rolfe stated that he had circulated the petition and would like the street to be paved.

Dorsalene Hughes Dorsalene Hughes spoke against the project which would cause a hardship on the Church. The back side of the Church faces Holyoke.

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Claudette Harrison Claudette Harrison, member of Grant Chappel, said this would impose a great burden on the Church.

Motion -- Rogers moved that the Petition be approved; that the 25th to 26th Street portion be approved and the 26th to 27th Street portion be deferred for other considerations; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-083

Resolution of findings of advisability and Resolution authorizing improving of Holyoke from 25th to 26th Streets North, Project No. 472-83079, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

Council Member Rogers left the Bench.

WATER PETITION PETITION FOR WATER DISTRIBUTION SYSTEM ALONG EDWARDS STREET, SOUTH OF MAY. (District IV)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 99-177.

The Petition has been signed by 3 of 6 (50%) owners representing 85.2% of the improvement district area. CPO Council 4 considered the Petition on February 11, 1999. The Council voted 6-0 to recommend approval.

The project will serve an industrial area.

The estimated project cost is \$33,000, with the total assessed to the improvement district. The method of assessment is the front foot basis. The estimated assessment to individual properties is \$20.00 per front foot.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Gale moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Rogers absent)

-- carried

RESOLUTION NO. R-99-084

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-88371 (along Edwards, south of May) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

SANITARY SEWER PETITION PETITION FOR SANITARY SEWER ALONG BROADWAY, NORTH OF MACARTHUR. (District III)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 99-178.

The Petition has been signed by 6 of 13 (46.2%) owners representing 51.3% of the improvement district area. CPO Council 3 considered the Petition on January 28, 1999. The Council voted 6-0 to recommend approval.

The project will serve a residential and commercial area that is currently served by septic systems.

The estimated project cost is \$200,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The rate of assessment to individual properties is \$00.28 per square foot of ownership.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Stan DeRee Stan DeRee said the main reason for wanting the sewer was for health reasons as the area is now on septic systems. He would also like to put in a new garden center for which the sewer will be needed.

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Motion -- Lambke moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Rogers absent)

-- carried

RESOLUTION NO. R-99-085

Resolution of findings of advisability and Resolution authorizing construction of Lateral 88, Main 1, Southwest Interceptor Sewer (along Broadway, north of MacArthur) Project No. 468-82967 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

Council Member Rogers present.

BROADWAY IMPROVEMENTS **BROADWAY IMPROVEMENTS, KELLOGG TO DOUGLAS.** (District I)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 99-179.

The 1999 Capital Improvement Program includes a project to reconstruct Broadway between Kellogg and Douglas (CIP No. MS-417, Page 49). CPO Council 1 considered the project on February 8, 1999. The Council voted 6-0 to recommend approval.

The project consists of: 1) reconstructing Broadway to four lanes with parking only on the west side, 2) upgrading the existing traffic signals, 3) installing sidewalks on both sides of the street, and 4) landscaping the available right-of-way. The design concept of four lanes plus a parking lane is the concept that was previously approved by the Council.

The project specifications require the contractor to maintain access to all adjacent businesses during the course of construction. They are also required to carry at least one lane of traffic flow in each direction at all times.

The estimated project cost is \$1,900,000 with \$600,000 funded by the City and \$1,300,000 by federal funds administered by the State. The funding source for the City share is General Obligations Bonds.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Charlie Applegate Charlie Applegate said he would like to maintain access to the doors facing Broadway so children and items can be dropped off.

Motion -- Rogers moved that the project be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance declaring Broadway, from Kellogg to Douglas Avenue (472-82412) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

IRB - FLIGHTSAFETY **ISSUANCE OF ADJUSTABLE MODE AIRPORT FACILITY REFUNDING AND IMPROVEMENT REVENUE BONDS - FLIGHTSAFETY INTERNATIONAL.** (District V)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 99-180.

On September 29, 1998 the City Council approved issuance of a Letter of Intent for Industrial Revenue Bonds, in an amount not-to-exceed \$15 million, for a six-month period to FlightSafety International for purchase and installation of seven training simulators and construction of a building addition. FlightSafety now requests the City issue its bonds to cover the \$15 million expansion project, and an additional \$11,170,000 to refund the Series I, 1992 bond issue. The adjusted total Adjustable Mode Airport Facility Refunding and Improvement Revenue Bonds is \$26,170,000.

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FlightSafety International was organized in 1951, and purchased by Berkshire Hathaway, Inc. in December 1996. Recently Berkshire Hathaway Inc. merged with General RE Corp. to form a new Berkshire Hathaway entity. FlightSafety International provides simulator training for private sector and public sector operators of aircraft and ships. In addition, FlightSafety provides training in air traffic control procedures and certain aircraft maintenance. The expansion project is projected to add between 50 and 100 new jobs for the Wichita Area Facilities. FlightSafety's pilot training program brought 11,514 pilots to Wichita in 1997 for an average two week training program. This resulted in an estimated 75,000 hotel room nights.

Bond proceeds covered under the September 29, 1998 Letter of Intent will be used to construct a building addition and purchase and install seven Cessna and Learjet training simulators. The additional \$11,170,000 in bond proceeds will be used to redeem the 1992 bonds. In conjunction with the issuance of City Industrial Revenue Bonds, Sedgwick County will issue its IRBs to finance the acquisition of flight simulators for FlightSafety's Raytheon facilities.

The bonds will be sold only to institutional investors in private placements and not publicly offered. The firm of Hinkle, Eberhart & Elkouri, L.L.C. will serve as bond counsel in the transaction. The bonds will be guaranteed by OBH, Inc. (Old Berkshire Hathaway, Inc.) and rated AAA. Once the new Berkshire Hathaway entity has a long-term bond rating, its guarantee may be substituted for that of OBH, Inc. The sources and uses of bond proceeds are as follows:

SOURCES OF FUNDS

* Bond Proceeds	\$26,170,000
Total Project Funding:	\$26,170,000

USES OF FUNDS

* Citation X FTD	\$2,000,000
* Citation Bravo FTD	2,000,000
* Learjet 45 Simulator	5,000,000
* Learjet 45 FTD	2,000,000
* Citation Ultra FTD	2,000,000
* Citation Excel FTD	2,000,000
* Redemption of Series I, 1992 Bonds	11,170,000
Total Cost of Project:	\$26,170,000

FlightSafety International currently has an approved EEO/AA Plan on file with the City's Human Resources Department.

FlightSafety International agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% tax abatement of ad valorem property taxes on the expansion project for a five-year term, plus a second five-year term subject to Council review. A cost/benefit analysis has been calculated by Wichita State University. The results of the analysis show cost/benefit ratios of 4.02 for the City; 1.86 for the County; 1.01 for USD 259 and 3.81 for the State.

Bond documents have been prepared by Hinkle, Eberhart & Elkouri, bond counsel for the project.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Ferris moved that the Ordinance be placed on first reading and the Mayor be authorized to sign the necessary documents. Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas (the ~~City~~ ^{City}) to issue its adjustable mode Airport Facility Refunding and Improvement Revenue Bonds in the aggregate principal amount of \$26,170,000 for the purpose of providing funds to pay the costs of acquiring, purchasing, installing and equipping a flight training facility located in the City of Wichita, Kansas and refunding certain outstanding tax-exempt adjustable mode Airport Facility Revenue Bonds of the City (the ~~1992~~ ¹⁹⁹² Bonds); prescribing the form and authorizing execution of a trust indenture by and between the City and First-Citizens Bank & Trust Company, as trustee with respect to the Bonds; prescribing the form and authorizing the execution of a lease by and between the City and FlightSafety International, Inc. (the ~~Tenant~~ ^{Tenant}); approving the form of a guaranty; approving the form of a remarketing agreement; authorizing the

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execution of a placement of agreement by and between the City, the Tenant and Wachovia Capital Markets, Inc., as the placement agent for the Bonds; and authorizing the execution of a supplemental indenture providing for the defeasance of the 1992 Bonds, introduced and under the rules laid over.

PAVING PROJECTS

PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR PAVING PROJECTS.

Steve lackey

Public Works Director reviewed the Item.

Agenda Report No. 99-181.

An informal hearing with City Personnel was held on February 22, 1999.

K.S.A. 10-1009 provides that all assessments shall bear interest at such rate as the governing body determined, not to exceed the rate allowed by law.

On February 2, 1999, the City Council was notified that the proposed assessment rolls for the following street improvements had been prepared and were on file in the office of the City Clerk for public inspection:

- a. (490-573/764712/472-82567) - Improving of Stafford Court and Stafford Circle, Prairie Woods Addition - north of Pawnee - east of Maize, as authorized by Resolution No. R-95-151, adopted March 21, 1995, and published March 24, 1995. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$88,270.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- b. (490-578/764761/472-82608) - Improving of Meadow Grove/Lake Ridge, Meadow Grove Court, and sidewalk along the north and west line of Meadow Grove/Lake Ridge - east of Tyler, north of 21st Street, as authorized by Resolution No. R-95-338, adopted on July 25, 1995, published on July 28, 1995. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$165,480.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- c. (490-563/764605/472-82681) - Improving Keith, Brookridge, Wedgewood, Keith Courts, Wedgewood Court, Brookridge Courts and sidewalk - west of Tyler, south of 29th Street North, as authorized by Resolution No. R-96-045, adopted on February 13, 1996, published on February 16, 1996; and, Rescinding Resolution No. R-97-381 adopted on October 8, 1997, published on October 31, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 22, 1998, in the amount of \$879,120.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- d. (490-590/764886/472-82703) - Improving of Cooper, Marion, Cypress and Scott - south of Pawnee, west of Webb, as authorized by Resolution No. R-96-128, adopted on April 2, 1996, published on April 5, 1996. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$153,150.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- e. (490-586/764845/472-82766) - Improving 50th Street South, Mt. Carmel, Custer, Custer Circle and sidewalk in Stonebriar Addition - west of Meridian, south of 47th Street South, as authorized by Resolution No. R-96-347 adopted on September 17, 1996, published on September 20, 1996; and, Rescinding Resolution No. R-98-102, adopted on April 7, 1998, published on April 10, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$216,480.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- f. (490-592/764902/472-82796) - Paving of Stoneybrook and Goebel in Brentwood Village Addition - south of Harry, east of Webb, as authorized by Resolution No. R-97-042, adopted on February 25, 1997, published February

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28, 1997; and, Rescinding Resolution No. R-98-105, adopted on April 7, 1998, published April 10, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$186,410.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

- g. (490-548/764456/472-82844) - Improving Red Brush/Paddock Green, Red Brush Court, Paddock Green Court and sidewalk - south of 21st, east of Rock, as authorized by Resolution No. R-97-205, adopted on July 1, 1997, published on July 3, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 22, 1998, in the amount of \$367,790.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- h. (490-604/764993/472-82860) - Improving Shiloh and Mt. Vernon in Smithmoor Seventh Addition - south of Harry, east of Webb Road, as authorized by Resolution No. R-97-327, adopted on September 16, 1997, published on September 19, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$85,460.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- i. (490-559/764563/472-82870) - Improving Lake Ridge, Westlakes, Forest Ridge, Forest Park, Lake Ridge Courts and Sidewalk - north of 29th, east of Tyler, as authorized by Resolution No. R-97-349, adopted on September 23, 1997, published on September 26, 1997; and, Rescinding Resolution No. R-97-382, adopted on October 28, 1997, published on October 31, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 22, 1998, in the amount of \$706,500.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- j. (490-556/764530/472-82861) - Improving of Mascott from 27th Street to 29th Street North, as authorized by Resolution No. R-97-315, adopted on September 9, 1997, published on September 12, 1997. Petition for this improvement was signed by owners representing 57 percent of the property ownership. The Statement of Cost approved December 22, 1998, in the amount of \$182,270.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a square foot basis.
- k. (490-561/764589/472-82876) - Improving of Meridian from the north line of 25th Street North to the south line of Halstead, as authorized by Resolution No. R-97-355, adopted on October 7, 1997, published on October 10, 1997. Petition for this improvement was signed by owners representing 52 percent of the property ownership. The Statement of Cost approved December 22, 1998, in the amount of \$222,580.00, is to be apportioned 88 percent payable by the improvement district. The cost has been assessed on a square foot basis.
- l. (490-579/764779/472-82885) - Improving Meadow Pass, Lake Ridge and sidewalk along the south line of Meadow Pass, along the west line of Lake Ridge - east of Tyler, as authorized by Resolution No. R-97-423, adopted on December 9, 1997, published on December 12, 1997; and, Rescinding Resolution No. R-98-142, adopted on April 14, 1998, published on April 17, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$143,510.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- m. (490-568/764662/472-82887) - Paving of 26th Street North, west of Clarence to the west line of Clarence, as authorized by Resolution No. 97-406, adopted on November 18, 1997, published on November 21, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$17,240.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a square foot basis.
- n. (490-584/764829/472-82893) - Improving of Dora, May, Cardington, Dora Court, May Circle, and sidewalk in Lark Sixth Addition - south of Kellogg,

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east of 119th Street West, as authorized by Resolution No. R-97-450, adopted on December 7, 1997, and published on December 12, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$484,240.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a square foot basis.

- o. (490-585/764837/472-82894) - Improving of Carr, Carr Courts, and sidewalk in Lark Sixth Addition - south of Kellogg, east of 119th Street West, as authorized by Resolution No. R-97-451, adopted on December 9, 1997, published on December 12, 1997; Rescinding Resolution No. R-98-274, adopted on July 7, 1998, published on July 13, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 22, 1998, in the amount of \$156,640.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- p. (490-580/764787/472-82905) - Improving of Baker Street, from 11th Street North to 13th Street North, as authorized by Resolution No. R-98-047, adopted on February 24, 1998, published on February 27, 1998. This improvement was ordered in by City Council. The Statement of Cost approved December 8, 1998, in the amount of \$154,850.00, is to be apportioned 96 percent payable by the improvement district. The cost has been assessed on a square foot basis.
- q. (490-593/764910/472-82908) - Improving of Rita and Rita Courts in Lindsay's Orchard Addition - north of Pawnee, west of Maize, as authorized by Resolution No. R-98-026, adopted on February 10, 1998, published on February 13, 1998; Rescinding Resolution No. R-98-107, adopted on April 7, 1998, published on April 10, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$110,090.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- r. (490-583/764811/472-82914) - Paving of Anna from Walker to Irving to serve West 54 Industrial Addition - west of West Street, south of Kellogg, as authorized by Resolution No. R-98-017, adopted on March 3, 1998, published on March 6, 1998. Petition for this improvement was signed by owners representing 70 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$149,260.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a square foot basis.
- s. (490-597/764951/472-82933) - Improving of Leecrest/Stafford, Stafford Court, Haskell, and sidewalks in Prairie Woods 2nd Addition (north of Pawnee, west of Maize), as authorized by Resolution No. R-98-131, adopted on April 14, 1998, published on April 17, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$230,910.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- t. (490-609/765073/472-82955) - Improving of Evans Street, from west line of Lot 1, to the east line of Lot 1, Pursley Addition, as authorized by Resolution No. R-98-273, adopted on July 7, 1998, published on July 13, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$13,490.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- u. (490-613/765115/472-89245) - Improving of Cul-De-Sac at the south end of Eastmoor Circle - east of Rock Road, south of Pawnee, as authorized by Resolution No. R-98-173, adopted on May 5, 1998, published on May 8, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 8, 1998, in the amount of \$63,710.00, is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Knight moved that the Public hearing be closed on the remaining items; the proposed assessments be approved; the Ordinances be placed on first reading; and the

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-- carried

interest rate be fixed at "Not to exceed the amount allowed by Law." Motion carried 7 to 0.

a. (490-573/764712/472-82567)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Stafford Court and Stafford Circle, Prairie Woods Addition - north of Pawnee, east of Maize, introduced and under the rules laid over.

b. (490-578/764761/472-82608)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Meadow Grove/Lake Ridge, Meadow Grove Court, and sidewalk along the north and west line of Meadow Grove/ Lake Ridge - east of Tyler, north of 21st Street, introduced and under the rules laid over.

c. (490-563/764605/472-82681)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving Keith, Brookridge, Wedgewood, Keith Courts, Wedgewood Court, Brookridge Courts and sidewalk - west of Tyler, south of 29th Street North, introduced and under the rules laid over.

d. (490-590/764886/472-82703)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Cooper, Marion, Cypress and Scott - south of Pawnee, west of Webb, introduced and under the rules laid over.

e. (490-586/764845/472-82766)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving 50th Street South, Mt. Carmel, Custer, Custer Circle and sidewalk in Stonebriar Addition - west of Meridian, south of 47th Street South, introduced and under the rules laid over.

f. (490-592/764902/472-82796)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Stoneybrook and Goebel in Brentwood Village Addition - south of Harry, east of Webb, introduced and under the rules laid over.

g. (490-548/764456/472-82844)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving Red Brush/Paddock Green, Red Brush Court, Paddock Green Court and sidewalk - south of 21st Street, east of Rock, introduced and under the rules laid over.

h. (490-604/764993/472-82860)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving Shiloh and Mt. Vernon in Smithmoor Seventh Addition - south of Harry, east of Webb

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Road, introduced and under the rules laid over.

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I. (490-559/764563/472-82870)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving Lake Ridge, Westlakes, Forest Ridge, Forest Park, Lake Ridge Courts and Sidewalk - north of 29th Street, east of Tyler, introduced and under the rules laid over.

j. (490-556/764530/472-82861)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Mascott from 27th Street to 29th Street North, introduced and under the rules laid over.

k. (490-561/764589/472-82876)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Meridian from the north line of 25th Street North to the south line of Halstead, introduced and under the rules laid over.

l. (490-579/764779/472-82885)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving Meadow Pass, Lake Ridge and sidewalk along the south line of Meadow Pass, along the west line of Lake Ridge - east of Tyler, introduced and under the rules laid over.

m. (490-568/764662/472-82887)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of 26th Street North, west of Clarence to the west line of Clarence, introduced and under the rules laid over.

n. (490-584/764829/472-82893)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Dora, May, Cardington, Dora Court, May Circle, and sidewalk in Lark Sixth Addition - south of Kellogg, east of 119th Street West, introduced and under the rules laid over.

o. (490-585/764837/472-82894)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Carr, Carr Courts, and sidewalk in Lark Sixth Addition- south of Kellogg, east of 119th Street West, introduced and under the rules laid over.

p. (490-580/764787/472-82905)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Baker Street, from 11th Street North to 13th Street North, introduced and under the rules laid over.

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q. (490-593/764910/472-82908)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Rita and Rita Courts in Lindsay's Orchard Addition - north of Pawnee, west of Maize, introduced and under the rules laid over.

r. (490-583/764811/472-82914)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Anna from Walker to Irving to serve West 54 Industrial Addition - west of West Street, south of Kellogg, introduced and under the rules laid over.

s. (490-597/764951/472-82933)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Leecrest/Stafford, Stafford Court, Haskell, and sidewalks in Prairie Woods Second Addition - north of Pawnee, west of Maize, introduced and under the rules laid over.

t. (490-609/765073/472-82955)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Evans Street, from west line of Lot 1, to the east line of Lot 1, Pursley Addition, introduced and under the rules laid over.

u. (490-613/765115/472-89245)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Cul-De-Sac at the south end of Eastmoor Circle - east of Rock Road, south of Pawnee, introduced and under the rules laid over.

KDOT AGREEMENTS

Steve Lackey

CITY/STATE AGREEMENTS: TRANSPORTATION ENHANCEMENT PROJECTS. (Districts I and VI)

Director of Public Works reviewed the Item.

Agenda Report No. 99-182.

The current Federal transportation funding legislation, The Transportation Equity Act for the 21st Century (TEA-21), allocates funding for transportation enhancement projects such as bicycle paths, renovation and repair of historic structures, and scenic projects such as landscaping near existing transportation facilities. On September 22, 1998 the City Council authorized Staff to make application to the Kansas Department of Transportation (KDOT) for a number of projects.

Subject to approval by the City Council, KDOT has approved funding for the following projects:

Pedestrian/bicycle bridges over the Third Street Drainage Canal, west of Hillside	\$278,000
Pedestrian/bicycle bridge along Zoo Boulevard over the Big Ditch (Shared project with Sedgwick County)	\$502,000
Arkansas River Bike Path, from Central to 13th North	\$380,000
Zoo Boulevard Bikepath, from Central to Westdale	\$494,000
Kansas Firefighters Museum	\$ 47,000
Wichita Boathouse	\$210,000

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City/State Agreements have been prepared for each project. The projects will be returned individually to the City Council at a future date for approval.

Funding for the City's share of cost will be programmed in the Year 2000 Capital Improvement Program. Design costs will be the responsibility of the City. Construction costs will be funded 80% by Federal funds.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Lori Lawrence

Lori Lawrence urged approval and expressed thanks from the neighborhood.

Motion --

Cole moved that the Agreements be approved; the Staff Screening and Selection Committee be authorized to select a design engineer; and the Mayor be authorized to sign. Motion carried 7 to 0.

-- carried

GILBERT-MOSLEY PROJECT

GILBERT-MOSLEY PROJECT: REMEDIATION & CORRECTIVE ACTION AMENDMENTS.

Council Member Kamen declared a conflict of interest and left the Bench.

Jack Brown

Environmental Health reviewed the Item.

Agenda Report No. 99-183.

The City's environmental consultant, Camp Dresser and McKee (CDM), has developed various remediation alternatives to address the ground water contamination plumes for the Gilbert and Mosley area. These alternatives are to provide containment and clean-up of the ground water that has migrated off-site from the various facilities that have been identified as sources of contamination within the Gilbert and Mosley area.

Concurrent with the City's preferred clean-up alternative recommendation to the Kansas Department of Health and Environment (KDHE), amendments to the existing Correction Action Decision (CAD) will be required to reflect the City's recommended preferred alternative. In order to more specifically deal with the contaminate plumes, these areas have been identified as plumes A,B,C,D,E and F. Plume C will not require specific action at this time since it is not moving and plume D will be addressed by KDHE through the Dry Cleaner Trust Fund (DCTF). To utilize these remediation options and properly address plumes C and D, and to provide for future flexibility in promoting effective remediation to the site, the CAD will require an amendment to address the (above) recommendations.

This project has now reached a critical decision stage (after much delay in reviews) requiring that action be taken to initiate contamination containment and clean-up and to contain the migration of the contaminate plume so that the area of clean-up does not expand and become more expensive.

Preferred alternative: To deal with ground water contamination in the remaining plumes of A,B,E and F, the City's consultant has developed a series of options for consideration that include: conventional pump and treatment; subsurface permeable iron walls; bio-remediation; and monitored natural attenuation. These options were reviewed by Staff and members of the Gilbert and Mosley Technical Advisory Board who were not all unanimous on all of the cleanup options available for each plume.

Utilizing the information available from these reviews and the consultants recommendations, however, staff recommends that following:

C Preferred alternative 2b for Plumes A,B and E. This alternative is the Enhanced Pump and Treat for Plumes A,B and E. These three plumes are all in proximity (to each other) making this option will effective in dealing with all three. The construction and installation of this alternative has been designed aesthetically and safely to have minimal impact on, and be compatible with, the surrounding neighborhood.

C Preferred alternative 3 is recommended for Plume F is a permeable iron wall. This option would be located in a vacant field north of the Arkansas River and east of Hydraulic; therefore, it will have no impact on the adjoining neighborhood. The use of this option will also provide an opportunity to determine the feasibility of incorporating iron technology in the future with the pump and treat alternative recommended for Plumes A,B and E.

CAD amendments: The current CAD for this site does include bio-remediation and pump and treat technology; however it does not include the use of iron wall, natural attenuation or address plume D. To amend the CAD and accommodate the proposed and potential future preferred alternatives, the CAD plan must be amended to address

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the following matters:

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1) Monitored Natural Attenuation - which is the principle of allowing a plume to naturally degrade once it has ceased to migrate. This approach is not offered as a preferred alternative at this time; however, it may be needed in the future as source control as overall remediation efforts are implemented and plume movement ceases.

2) The current CAD does not include Air on wall® technology and should, therefore, be added since it is the recommended alternative 3 for plume F. (Unless KDHE has some hope DCTF could be used).

3) Removal of plume D is because KDHE will implement the use of the DCTF for cleanup.

The estimated cost of option 2b for plumes A,B, and E is \$11.6 million. The estimated cost of option 3 for plume F is \$1.75 million. To meet these cost for groundwater remediation/cleanup, the City has filed litigation against responsible parties (those found to have contributed to the pollution) to recover these costs, including all other costs associated with this major proposed clean-up effort.

The CAD amendment language will require approval by KDHE in accordance with statutory procedures.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Kasey Rogg

Kasey Rogg, Attorney representing APCO Liquidating Trust, inquired whether there would be a comment period.

Jack Brown

Environmental Health explained that this was the comment period; however, the State will be making the ultimate decision and then there will be a thirty-day comment period.

Motion --

Ferris moved that alternative 2b for plumes A, B, and E, and alternative 3 for plume F, be approved; and Staff be authorized to submit its preferred remediation alternatives and suggested CAD amendments to KDHE. Motion carried 6 to 0. (Kamen absent)

-- carried

Council Member Kamen present.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS (FOR TERMS EXPIRING JUNE 30, 1999):

Commission on the Status of People with Disabilities (Lambke)
Convention & Tourism Committee (Ferris)
Human Services Board (2 appointments - Council at large)
Police & Fire Retirement Board of Trustees (Rogers)
Sister Cities Advisory Board (Cole)
Wichita Commission on the Status of Women (2 appointments - Lambke)
Wichita-Sedgwick County Correctional Housing Board (Knight - Municipal Court Probation)

There were no appointments made.

SOLID WASTE NOMINATIONS

NOMINATIONS TO SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE (2 VACANCIES).

Motion -- carried

Ferris moved that this Item be deferred two weeks. Motion carried 7 to 0.

ELECTION ORDINANCE

REPORT ON ELECTION ORDINANCE. (Requested by Council Member Ferris)

Council Member Ferris

Council Member Ferris stated that it currently costs one (1) percent of salary to run for County Commission or State Legislator. City Council and Mayor positions are as important, if not far more important. Often, the election for City Council or Mayor becomes nothing more than a pet project for a person who has a small issue, in terms of the whole scope of the City, becomes a place for a free forum. The election is too important to the position of City Council for it to be taken as lightly as it sometimes is.

It is also unfair for a person to run for two positions and to use the funds for name recognition and other election items.

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Motion -- Ferris moved that the following be forwarded to the CPO Council for consideration and recommendations, and then be returned to the City Council: (1) filing fees of \$100 for City Council Member and \$125 for Mayor, with the petition process (current number of signatures) remaining in effect in an effort to allow anyone who truly wishes to run for the office to do so and, (2) no person shall file, be nominated, or run for the office of Mayor or Council Member if that person is a candidate for any other public office to be filled in the same election or any election held on the same day as the City election.

This would not eliminate anyone that is in another office or who may want to run for another job at another time from running for City Council.

Mayor Knight Mayor Knight said this should return to the City Council for consideration after the newly constituted City Council Member convenes.

-- carried Motion carried 7 to 0.

ADDENDUM ITEM 12a.
HYDE SCHOOL

HYDE SCHOOL (REQUESTED BY COUNCIL MEMBER KAMEN.)

Council Member Kamen Council Member Kamen said the problem is basically the same as the previous problem for College Hill School.

Motion -- Kamen moved that Staff return on the March 16th Agenda with Item allowing for safer disembarking and picking up of children on Glendale at the school. Motion carried 7 to 0.

-- carried

Council Member Rogers left the Bench.

OFF AGENDA ITEM
CELLULAR TOWERS

CELLULAR TOWERS.

Motion -- Knight moved that the rules be set aside and an Item concerning Cellular Towers be taken up off the Agenda. Motion carried 6 to 0. (Rogers absent)

-- carried

Mayor Knight Mayor Knight said he had been contacted regarding a cellular tower in the College Hill area and asked if anyone had information in this regard.

Marvin Krout Director of Planning explained that a MAPC Hearing is scheduled for March 11, 1999, on an application from Brad Murray, who builds and leases towers, for a 185 foot tower to be constructed at 444 North Pershing. The tower would require a variance and the application may not be approved by the MAPC.

There was no action taken on this Item.

PROCLAMATION

MUSIC, THEATER AND YOUTH ART IN OUR SCHOOLS MONTH PROCLAMATION.

Motion -- carried Knight moved that the Proclamation be authorized. Motion carried 6 to 0. (Rogers absent)

CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 25g, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Rogers absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 1, 1999.

Bids were opened February 26, 1999, pursuant to advertisements published on:

DEPARTMENT OF WATER AND SEWER/SEWAGE TREATMENT: UPSTATION S UPS UNIT

Weber and Associates, Inc. - \$11,104.00

Knight moved that the contract (s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., March 12, 1999. Motion carried 6 to 0. (Rogers absent)

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PRELIMINARY ESTIMATES

PRELIMINARY ESTIMATES:

- a. 1998-1999 Community Development Block Grant (CDBG) Local Investment Area (LIA) Infrastructure Improvements. (600700) - \$190,000
- b. 1999 Contract Maintenance Bridge Deck Resurfacing at 13th Street North & Canal and westbound Central & Canal. (132249) - \$270,750
- c. Water Distribution System to serve Springdale East Second Addition - (south of Kellogg, east of 143rd Street East. (448-89320/734903) - \$55,000
- d. Lateral 19, Main 13, Southwest Interceptor Sewer to serve Lark Sixth Addition - (south of Kellogg, east of 119th Street West. (468-82795/743784) - \$137,000
- e. Lateral 2, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills Eighth Addition - south of Maple, east of 135th Street West. (468-82954/743788) - \$195,000
- f. Lateral 3, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills Ninth Addition - south of Maple, east of 135th Street West. (468-82955/743789) - \$162,000
- g. Lateral 404, Southwest Interceptor Sewer to serve Simmons Park Addition - north of 55th Street South, east of Meridian. (468-82864/743777) - \$239,000

Motion --
-- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 6 to 0. (Rogers absent)

STATEMENT OF COST

STATEMENT OF COST (CHESNEY).

Amended cost of constructing Red Brush, Wilson Estates Parkway, decel lane for east bound traffic, left turn lane for west bound traffic on 21st Street for entrance to Red Brush in Wilson Farms and Bradley Fair Second and Third Additions. (472-82843/764415/490544) - \$672,270.00.

Motion --
-- carried

Knight moved that the Statement of Cost be approved and filed. Motion carried 6 to 0. (Rogers absent)

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Civil Rights & Services Board, 1-25-99
Commission on the Status of People with Disabilities, 12-2-99
Commission on the Status of People with Disabilities, 1-27-98
Human Services Board, 1-26-99
Metropolitan Area Planning Commission (MAPC), 12-17-99
Metropolitan Area Planning Commission (MAPC), Special Meeting, 1-7-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Rogers absent)

STREET CLOSURES/USES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 99-209.

Utility Contractors has contracted to replace the bridge deck surface on the Central Avenue and 13th Street Bridges over the Wichita Drainage Canal at I-135. The eastbound portion of the Central Avenue Bridge was replaced under a previous project. This project will replace the westbound surface on the Central Avenue Bridge and both the eastbound and westbound surfaces on the 13th Street Bridge.

Work is expected to begin Wednesday, March 3, with the completion expected near mid May. Westbound Central traffic will be restricted to one lane during construction while eastbound Central will not be affected. Both eastbound and westbound traffic will be restricted during the 13th Street Bridge work. Access to and from I-135 at both bridge locations will be maintained at all times. Businesses adjacent to these projects have been notified by the Contractor.

There is no cost to the City.

Motion -- carried

Knight moved that the request be approved. Motion carried 6 to 0. (Rogers absent)

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SUPP. ASSESSMENT ROLLS

SUPPLEMENTAL PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for one (1) paving project, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held March 3, 1999.

Motion --
-- carried

Knight moved that the public hearing on the Proposed Assessment Rolls be set for 11:00 a.m., Tuesday, March 16, 1999. Motion carried 6 to 0. (Rogers absent)

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED - JANUARY 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Jean Butler	\$ 250.00
Enterprise Rent-A-Car (in connection with Shawn Collins claim)	\$ 229.63
Rogena Reed	\$ 888.50
Steve Smith	\$ 313.50
Fern E. Ward	\$ 106.59
Gial Godenkauf	\$ 170.01
Southwestern Bell	\$ 206.95
Kansas Gas Service	\$1,039.67
Frank Ortiz	\$ 84.72
Dennis McHugh	\$1,107.76
Gregory Coffey	\$ 105.90
Charles Smith	\$ 95.00
Tamara Powell	\$ 350.00*

*Settled for a lesser amount than originally claimed.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 6 to 0. (Rogers absent)

PRAIRIE WOODS AGREE

AGREEMENT FOR DESIGN SERVICES FOR PRAIRIE WOODS SECOND ADDITION - NORTH OF PAWNEE, WEST OF MAIZE. (District V)

Agenda Report No. 99-184.

The City Council approved the Prairie Woods Second Addition plat on April 14, 1998.

The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in the Prairie Woods Second Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$40,250, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES AGMT.

AGREEMENT FOR DESIGN SERVICES FOR WEST KELLOGG POWER CENTER ADDITION - NORTH OF KELLOGG, WEST OF HOOVER. (District V)

Agenda Report No. 99-185.

The City Council approved the West Kellogg Power Center Addition plat on September 24, 1996.

The proposed Agreement between the City and Austin Miller, P.A. provides for the design of bond financed improvements in the West Kellogg Power Center Addition. Per Administrative Regulation 7a, staff recommends the selection of Austin Miller because Austin Miller provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$13,200, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

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DESIGN AND MAINTENANCE AGREEMENT

AGREEMENT FOR DESIGN SERVICES FOR NORTHRIDGE LAKES PATIO HOMES ADDITION - NORTH OF 21ST, EAST OF TYLER. (District V)

Agenda Report No. 99-186.

The City Council approved the Northridge Lakes Patio Homes Addition plat on January 26, 1999.

The proposed Agreement between the City and Professional Engineering Consultants (PEC) provides for the design of bond financed improvements in the Northridge Lakes Patio Homes Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$27,300, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR LARK SIXTH ADDITION - SOUTH OF KELLOGG, EAST OF 119TH STREET. (District V)

Agenda Report No. 99-187.

The City Council approved the Lark Sixth Addition plat on December 9, 1998.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in the Lark Sixth Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman Company because Baughman Company provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$47,600, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

BOND FEASIBILITY STUDY

ENGINEERING CONTRACT FOR BOND FEASIBILITY STUDY.

Agenda Report No. 99-188.

A Request for Proposals to produce a Bond Feasibility Study was sent to 11 engineering and financial firms in January, 1999. Three firms responded: R. W. Beck, Black & Veatch and Burns & McDonnell.

The proposals include an option to perform up to two additional studies, should the Department sell bonds again in 2000 and/or 2001. The proposals range from \$32,900 to \$65,900 for the initial study, and from \$86,900 to \$204,700 for three studies.

R. W. Beck submitted the lowest bid, for both 1999 and for the three years combined.

The Staff Screening and Selection Committee met on February 17 and voted 6 to 0 to recommend R. W. Beck for this work.

All costs associated with preparation of these reports will be funded from water and sewer revenues.

Motion --
-- carried

Knight moved that the Contract be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

POLICE/COURT INTERFACE

PHASE II CONTRACT FOR MANAGEMENT SERVICES ON POLICE/COURT ADVANCED RECORDS INTERFACE (ARI) PROJECT.

Agenda Report No. 99-189.

Police and Municipal Court, with the Data Center, have undertaken to update the automated records information system to more contemporary standards pursuant to the adopted Management Information Systems (MIS) Plan. The computer records system is also being updated to include enhancements as the needs of the Police and Court

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have changed.

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An important element of the system updating is the conversion of the user interface from Acharacter® based configuration to Agraphical user interface® or GUI. The GUI for the Police/Court system is called the Advanced Records Interface (ARI), and is provided by the primary software vendor, PRC, for the core records system. The City Council has previously approved the acquisition.

The City previously contracted with Advanced Systems Integrators, Inc., in developing an implementation plan and timeline for project completion. It is proposed that Advanced Systems Integrators be retained in a second phase contract to provide project management. Advanced Systems Integrators will also provide Atrain-the-trainer® services for lead staff. Cost of the contract is not-to-exceed \$28,720.

Funding is available from the Data Center equipment and system replacement fund.

Motion --
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

(Item No. 25g)

(Council Member Rogers present)
Mayor Knight left the Bench; Vice Mayor Gale in the Chair.

TRANSIT CONTRACT

CONTRACT FOR TRANSIT MANAGEMENT SERVICES.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-190.

From 1981 through 1998, the Wichita Metropolitan Transit Authority (WMTA) contracted with ATE Management and Services Company to provide professional management of Wichita Transit. The most recent contract was approved by the WMTA on August 10, 1993. A two year extension, through August 1998, was approved by the Board in 1996. On April 1, 1997, with the Council adoption of Charter Ordinance 166 (which abolished the Wichita Metropolitan Transit Authority), the City assumed the obligations of the ATE contract. Since August 1998, ATE and the City have operated month-to-month under the terms of the previous contract.

City staff have met with ATE representatives and negotiated a new contract. The contract will expire on December 31, 1999. A monthly rate of \$7,557 is provided through August 1999. This rate is an increase of 3% from the previous monthly rate; however, the previous rate has been unchanged since August 1997. For the period August 1999 through December 1999, a monthly rate of \$7,784 would be paid, an additional 3% increase.

Funding for the contract is included in the 1999 Adopted budget for Wichita Transit.

Motion --
-- carried

Ferris moved that the Contract be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Knight absent)

Mayor Knight present and in the Chair.
(Council Member Rogers absent)

JTPA YOUTH CONTRACTS

1999 SUMMER YOUTH AND EMPLOYMENT TRAINING PROGRAM CONTRACTS.

Agenda Report No. 99-191.

The Private Industry Council (PIC) of Service Delivery Area (SDA) IV provides policy guidance for the use of Job Training Partnership Act (JTPA) funds in Butler, Cowley, Sumner, Harper, Kingman and Sedgwick counties. The PIC has selected the City of Wichita as the Grant Recipient/Program Administrator for certain JTPA funds in SDA IV. The PIC has also selected the Arkansas City Public Schools (USD 470), the Butler County Special Education Coop (USD 490), the SER Corporation as the lead agency for the Hispanic/Native American Coalition (SER), and the Sumner County Educational Services Interlocal (District #619) to provide academic enrichment/work experience training for the 1999 Summer Youth and Employment Training Program (SYETP). Four contracts for these provider services are being brought before the Council.

The four contracts provide for JTPA Title II-B academic enrichment which is to be integrated with summer youth work experience with public or private not-for-profit agencies. Participants will be youth, ages 14 to 21, who test as needing instruction in math and/or reading. Participants will be paid the hourly minimum wage for their time spent in classroom and work projects. The USD 470 contract will provide 30 participants (10 of which will be special education students) with 87 hours of work-based learning and 186 hours of work experience. The USD 490

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contract will provide 40 disabled participants with 68 hours of work-based learning

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and 153 hours of work experience. The SER contract will provide 150 Wichita participants, with Hispanics targeted, with 84 hours of work-based learning and 224 hours of work experience. The District #619 contract will provide 25 special education and high risk participants with 60 hours of work-based learning and 150 hours of work experience.

The maximum contract amounts are: \$69,237 for USD 470; \$44,449 for USD 490; \$215,920 for SER; and \$70,000 for District #619. JTPA funds are used to pay for contract services. The contracts obligate no general fund moneys.

Motion -- Knight moved that the Contracts be approved and the Mayor be authorized to
-- carried sign. Motion carried 6 to 0. (Rogers absent)

WIRELESS COMMUNICATIONS WIRELESS COMMUNICATIONS CONTRACT.

Agenda Report No. 99-192.

In a joint purchasing cooperative effort, Sedgwick County, USD #259, Wichita State University, and the City of Wichita accepted proposals on wireless communication equipment and services on November 17, 1998. Representatives from all the entities were part of the selection committee to evaluate the proposals submitted. Due to the competitive rates and the unique features of all five carriers that could be beneficial in certain applications, the selection committee recommended to accept the proposals submitted by Cellular One, Nextel, Southwestern Bell Wireless, Sprint PCS, and Voicestream. Each entity will have the option to select the provider and plan that will be most beneficial for their application. There are no guarantees on the number of phones the government entities must order. The initial term of the agreement will be of one (1) year, with an option to renew for up to three (3) additional one (1) year periods.

Representatives from the City of Wichita selection committee has selected Cellular One as the provider that would be most beneficial to our needs. Cellular One has the most extensive countywide coverage and is the only wireless proposer to guarantee no roaming charges within Sedgwick County. The Cellular One rate plans provide the best pricing for government employees who use from thirty (30) to five hundred fifty (550) minutes per month. Research indicates that most of the City users utilize 60-120 minutes per month. Employees will be able to convert from analog to digital service which will provide more clarity and security. Acceptance of this agreement does not increase the number or use of cellular phones by City employees.

Cellular phones are part of Departments operating budgets.

Motion -- Knight moved that the Contract be approved and the Mayor be authorized to
-- carried sign. Motion carried 6 to 0. (Rogers absent)

THIRD STREET CHANNEL SUPPLEMENTAL AGREEMENT FOR ARTISTIC AND CONSTRUCTION SERVICES-THIRD STREET CHANNEL. (District I)

Agenda Report No. 99-193.

On August 27, 1991, the City Council entered into an Agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) to study the drainage problems in District I and develop alternative design concepts. On April 6, 1993, the City Council approved a design concept for Third Street, approved funding for design and right-of-acquisition, and on July 13, 1993, the City Council entered into an agreement with MKEC for the design of Third Street Channel.

The Supplemental Agreement provides artistic and construction services to assist the City in the construction of the neighborhood parks adjacent to the Third Street Drainage project.

Payment to MKEC will be on a lump sum basis not to exceed \$19,000.

Motion -- Knight moved that the Supplemental Agreement be approved and the Mayor be
-- carried authorized to sign. Motion carried 6 to 0. (Rogers absent)

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SENECA SUPP. AGMT.

SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICES FOR SOUTH SENECA - 31ST STREET SOUTH TO PAWNEE. (District IV)

Agenda Report No. 99-194.

On February 8, 1994 the City Council entered into an agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) for design of improvements to Seneca from 31st Street South to McCormick.

The Supplemental Agreement reflects changes in the scope of service to include 31st Street South to Pawnee (widening and overlay of the existing pavement).

Payment to MKEC will be on a lump sum basis not to exceed \$29,335.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

STORM SEWER SUPP. AGMT.

SUPPLEMENTAL AGREEMENT TO A PROFESSIONAL SERVICES FOR STORM SEWER IMPROVEMENTS - KELLOGG TO SECOND STREET, AND WEST STREET TO THE ARKANSAS RIVER. (Districts IV and VI)

Agenda Report No. 99-195.

In August of 1996, an agreement with MKEC was entered into for designing storm sewer improvements in the area from Kellogg to Second Street, and from West Street to the Arkansas River.

The supplemental agreement will delete Phase III of the original contract with consisted of some project design and increase the area which is to be included in the study to include all of the area bounded by I-235, Zoo Boulevard, 13th Street, the Arkansas River, and Kellogg. The change is necessary to adequately look at the major drainage outfalls along Kellogg, the Big Ditch, and the Arkansas River to access their adequacy.

The funding sources will remain the same as in the original contract; however, the cost of the project will be decreased from \$280,000 to \$238,000. As of January 7, 1999, MKEC has billed the City and been paid \$49,228.99 of the original contract. The work completed, to date, will be included in the revised scope and cost of the project.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the Mayor be carried authorized to sign. Motion carried 6 to 0. (Rogers absent)

ASBESTOS ABATEMENT

ASBESTOS ABATEMENT FOR DEMOLITION AND BUILDING DEMOLITIONS - SELECTION OF VENDOR.

Agenda Report No. 99-197.

Various City departments require asbestos abatement and building demolition services. Requests for Proposals were sent to abatement and demolition vendors to obtain the most qualified abatement and demolition services at a cost that would be most beneficial to the City. Six abatement and five demolition vendors responded.

The Staff Screening and Selection Committee voted to contract with ABS Abatement, Inc. and Asbestos Removal & Maintenance, Inc. and rotate the work among the two Contractors for the Asbestos Abatement Demolition. The Committee also selected H.D. Mills & Sons D.B.A., Southwest Salvage as the lowest and best bid for Building Demolitions.

Motion -- carried

Knight moved that the Contract be approved. Motion carried 6 to 0. (Rogers absent)

GOLF COURSE STAFFING

GOLF COURSE STAFFING.

Agenda Report No. 99-196.

On September 15, 1998, Council approved the construction contract for the Auburn Hills Golf Course. The City is scheduled to assume maintenance responsibilities for the course in June 1999. In addition to maintaining the course during the Agrow-in@ period (from June 1999 until the estimated opening of July 2000), Golf personnel will be actively engaged in monitoring contractor activities during the remaining construction process.

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The 1999 Adopted Golf Course budget also includes funding for three additional Greens keeper positions (range 617). These were funded with a deletion of part time staff. The additional positions have not yet been filled for the 1999 season.

When the course is turned over to the City (currently scheduled for June 1999), the City will assume all maintenance responsibilities. To ensure a well-established turf that can withstand active course play, the grow-in process is scheduled to last over one year. Until the estimated opening of July 2000, City staff will be responsible for nurturing the freshly seeded and sodded course, preparing the turf and greens for play and establishing the course maintenance infrastructure. A total of 15 positions are needed during this period, including two full time staff.

In preparation for the 1999 season, it has been determined that three Laborer positions (range 616) would suffice (rather than the budgeted range 617 positions). Also, to provide additional maintenance support during intensive turf maintenance periods, additional part time staff are required.

All positions will be funded within amounts previously approved by Council. The Auburn Hills Golf Course project budget, approved by Council on September 15, 1998, included \$200,000 to finance personnel costs and other grow-in costs.

When the course is ready for play, these positions will be absorbed within the 2000 Approved budget for Golf (approved by Council on August 11, 1998), which includes funding for five additional full time positions and five part time positions. The 1999 Adopted budget includes funding for three new range 617 positions. This funding can be reallocated, and three lower range 616 positions and up to 11 minimum wage part time staff will be funded within the 1999 Adopted level.

Motion --
-- carried

Knight moved that the additional positions be approved. Motion carried 6 to 0. (Rogers absent)

CENTURY II MARQUEE

CENTURY II MARQUEE RETROFIT.

Agenda Report No. 99-198.

The current Century II marquee was installed in 1986 and, while the structure and housing for the message board are both still in good shape, the thirteen year old message centers no longer function. Requests for Proposals (RFPs) were solicited to update the electronic centers with state-of-the-art technology. New technology will make the marquee easier to read and operate, and less expensive to maintain. A smaller message center display is also included in this project for the entrance of the Bob Brown Expo Hall. A consultant was hired to assist with the development of the specifications, selection of the contractor, and oversee the installation of the new message centers. A Staff screening committee reviewed the proposals and are recommending the Fairtron/Trans-Lux bid.

Four proposals were received from top electric message display companies. All four proposals were within the budget and would have provided Century II with excellent message centers. The screening committee selected Fairtron/Trans-Lux as the lowest and best bid and the only proposal that met all requested specifications.

This project is budgeted in the Capital Improvement Program (PB-9502). The proposed bid from Fairtron/Trans-Lux is for \$123,500 for a turnkey installation, except for the installation of some additional electric power that will be contracted with a local vendor.

Motion -- carried

Knight moved that the project be approved. Motion carried 6 to 0. (Rogers absent)

TRANSIT CENTER EQUIP.

PURCHASE OF ADDITIONAL EQUIPMENT - TRANSIT CENTER.

Agenda Report No. 99-199.

The Transit Department has requested an additional (Omer Vega) Drive-on lift for the Storage, Administration, and Maintenance facility under construction at 777 East Waterman. The plans include 6 mechanic bays, one with an in-ground lift, and four with drive-on lifts for the buses. Three drive-on lifts were included in the base bid for the facility. The fourth lift was deferred as an option to meet budget. The proposed lift will be purchased from Myers Brothers, the same source as the previous three lifts at a reduced cost. The concrete floor of the work area will be poured soon and should be poured to fit the additional lift.

Cost of the drive-on lift is \$53,950, \$7,250 less than the original price. Currently, the project has an unappropriated balance of \$379,000. Furniture (\$107,000), telephones (\$30,000) and some small shop equipment is scheduled to be

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purchased with the unappropriated balance, leaving sufficient funds to purchase the lift.

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Sufficient funds remain in the project budget to purchase the drive-on lift.

Motion -- carried

Knight moved that the purchase be approved. Motion carried 6 to 0. (Rogers absent)

SANITARY SEWER REPAIRS

PUBLIC EXIGENCY PROJECT - SANITARY SEWER REPAIRS. (Districts I and VI)

Agenda Report No. 99-200.

On Monday, February 8, 1999, Staff was informed that an encased sanitary sewer was leaking into a vault owned by Southwestern Bell Telephone. This is in an alley north of Douglas, between Topeka and Emporia. On Tuesday, February 9, 1999, another sanitary sewer leak was discovered by Sewer Maintenance, located in William Street, west of Broadway at the entrance of the State Office Building. There, sewage is leaking into a KGE manhole.

Due to the congested underground utilities in the area east of Topeka and north of Douglas, the sewer cannot be excavated nor relocated within the alley. As a result, an emergency sewer rehabilitation project using cured-in-place pipe was recommended by Staff. Additionally, with the relatively recent construction of the State Office Building and high volume of visitors to the building, Staff recommended that the sanitary sewer in William Street also be lined using cured-in-place pipe.

Staff negotiated with Insituform Plains, Inc., the only cured-in-place pipelining company in this area. Their proposal was \$32,840 and they were available to start immediately. The City Manager approved proceeding with the project under City Ordinance 2.64.020.5.

Capital Improvement Program, Reconstruction of Sanitary Sewer (CIP #S-4) has a budget of \$2,300,000 for 1999. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

Motion -- carried

Knight moved that public exigency be affirmed. Motion 6 to 0. (Rogers absent)

ORDINANCES

SECOND READING ORDINANCES: (First read February 23, 1999)

a. Z-3286 - southwest corner of Murdock and Hydraulic. (District I)

ORDINANCE NO. 44-148

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight. Z-3286

b. PUD-5 - northeast corner of Chautauqua and Orme. (District I)

ORDINANCE NO. 44-149

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight. PUD-5

c. Z-3296 - northwest corner of 37th Street North and Broadway. (District VI)

ORDINANCE NO. 44-150

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight. Z-3296

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PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 36 through 40 could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- Knight moved that Planning Agenda Items 36 through 40 be approved as consensus
-- carried Items. Motion carried 6 to 0. (Rogers absent)

V-2129 PUBLIC HEARING V-2129 - REQUEST TO VACATE THE NORTH 10 FEET OF A 20 FOOT UTILITY EASEMENT LOCATED IN AN AREA EAST OF WOODLAWN, 2 MILE SOUTH OF 37TH STREET NORTH.
(District II)

Agenda Report No. 99-201.

Staff Recommendation: Approve vacation of the north 10 feet of a 20 foot utility easement.

MAPC Recommendation: Approve vacation of the north 10 feet of a 20 foot utility easement.

The applicant is requesting this vacation to allow for car ports to be constructed along the south property line of Lot 1, Brush Creek 3rd Addition. The homeowner to the south did question this request and the affect on her property. After meeting with the applicants agent she was satisfied with the existing landscaping and proposed screening. This owner did not protest the request. The applicant has filed for the CUP Administrative Adjustment to reduce the setback along this south property line.

Public Works has reviewed and approved this request. The MAPC also has reviewed and approved the vacation request.

Marvin Krout Director of Planning reviewed the Item.

The notice of hearing was published and no written protest had been filed.

Mayor Knight Mayor Knight inquired if anyone wished to be heard on this Item and no one appeared.

Motion -- Kamen moved that the Public Hearing be closed, the vacation be approved as
-- carried recommended, the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

Council Member Rogers present.

V-2141 PUBLIC HEARING V-2141 - REQUEST TO VACATE AN ALLEY LOCATED EAST OF BROADWAY AND NORTH OF LEWIS - 420 SOUTH BROADWAY. (District I)

Agenda Report No. 99-202.

Staff Recommendation: Approve the vacation.

MAPC Recommendation: Approve the vacation.

The applicant is requesting to vacate an alley to allow for the expansion of the rear of the old Carlton School on south Broadway in the downtown. The applicant has stated that this vacation will allow a business to relocate downtown. The City of Wichita is currently the owner of the property and will sell it to the applicant once the vacation is completed.

Public Works, the Subdivision Committee, and the Planning Commission have reviewed and approved this request, subject to the applicant dedicating a public access easement to Broadway through the parking lot just north of the existing building, the vacated alley being retained as a utility easement, a hold harmless agreement being filed for the construction over the utility easement, and any relocation or reconstruction of utilities made necessary by this vacation being the responsibility of the applicant. The alley would be converted from one way to two way operation if the vacation is approved. The applicant has dedicated an access easement, sanitary sewer petition and has filed a hold harmless agreement.

Marvin Krout Director of Planning reviewed the Item.

The notice of hearing was published and no written protest had been filed.

Mayor Knight Mayor Knight inquired if anyone wished to be heard on this Item and no one

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appeared.

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Motion --
-- carried

Rogers moved that the Public Hearing be closed, the vacation be approved as recommended, the Mayor be authorized to sign. Motion carried 7 to 0.

(Item No. 36)

V-2145

V-2145 - REQUEST TO VACATE A PORTION OF A 20 FOOT WIDE UTILITY EASEMENT LOCATED EAST OF 37TH STREET NORTH BETWEEN WOODLAWN AND ROCK ROAD. (District II)

Agenda Report No. 99-203.

Staff Recommendation: Approve the easement.
MAPC Recommendation: Approve the easement.

The applicant is requesting to vacate a portion of a utility easement along the west property line to allow for the construction of a wood fence and a masonry wall, which would satisfy the agreement between the Teal Cove Homeowners Association and the applicant.

Public Works, Traffic Engineering, Subdivision Committee and MAPC have reviewed and approved this request, subject to only the western most five feet of the utility easement being vacated.

No one spoke in opposition to this request at the MAPCs advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

(Item No. 37)

V-2146

V-2146 - REQUEST TO VACATE A PORTION OF A 75 FOOT BUILDING SETBACK LOCATED WEST OF ROCK ROAD AND SOUTH OF ROCKHILL. (District II)

Agenda Report No. 99-204.

Staff Recommendation: Approve the vacation.
MAPC Recommendation: Approve the vacation.

The applicant is requesting to reduce the 75 foot platted building setback along Rockhill to 25 feet, to allow for the construction of an office complex on these four lots. An administrative adjustment has been filed by the applicant to reduce the building setback on the Community Unit Plan. The applicant withdrew the request to vacate the utility easement between the Subdivision Committee hearing and the MAPC hearing.

Public Works, Traffic Engineering, Subdivision Committee and MAPC have reviewed and approved this request.

No one spoke in opposition to this request at the MAPCs advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

(Item No. 38)

V-2153

V-2153 - REQUEST TO VACATE A PORTION OF ACCESS CONTROL LOCATED EAST OF WEST STREET AND SOUTH OF 29TH STREET SOUTH. (District IV)

Agenda Report No. 99-205.

Staff Recommendation: Approve the vacation.
MAPC Recommendation: Approve the vacation.

The applicant is requesting to vacate a portion of access control. The applicants agent has stated that it is the owners intention to split this lot into two and allow the southern lot to have access to West Street. This lot is not, currently, permitted any access to West Street.

Public Works, Traffic Engineering, Subdivision Committee and MAPC have reviewed and approved this request, subject to the applicant filing for a lot split, the lot split being approved and the applicant meeting all conditions of the lot split.

No one spoke in opposition to this request at the MAPCs advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

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Motion --
-- carried

Knight moved that the Vacation Order be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

(Item No. 39)
S/D 98-35

S/D 98-35 - PLAT OF WOODLAND LAKES ESTATES SECOND ADDITION LOCATED ON THE NORTH SIDE OF LINCOLN AND WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 99-206.

Staff Recommendation: Approve the Plat.
MAPC Recommendation: Approve the Plat.

Although this site is located in the City of Wichita, it will use the Four Mile Creek sanitary sewer system and petitions for improvements will be handled by the County. Other petitions, 100%, have been submitted for municipal water, paving and stormwater improvements. Both a City and County Certificate of Petitions have also been submitted.

The applicant has also provided a restrictive covenant in order to provide for the ownership and maintenance of the reserves. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the Documents and Plat be received and filed, and the Mayor be authorized to sign; and the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-086

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System, Project No.448-89365, (north of Harry, east of Greenwich, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-087

Resolution of findings of advisability and Resolution authorizing construction of Zelta/Laguna from the north line of Lincoln to the east line of Lot 33, Block 2, Laguna Court serving Lots 24 through 32, Block 2, from the south line of Laguna to and including the cul-de-sac; Zelta Courts serving Lots 11 through 18, Block 2, from the east line of Zelta to and including the cul-de-sac, and serving Lots 1 through 10, Block 2, from the east line of Zelta to and including the cul-de-sac, and; sidewalk on the west and north sides of Zelta/Laguna from the north line of Lincoln to the east line of Lot 18, Block 1, Woodland Lakes Estates 2nd Addition, Project No. 472-83073 (north of Harry, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

(Item No. 40)
A 99-12

A 99-12 - REQUEST ANNEXATION OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF U. S. HIGHWAY 54 AND 167TH STREET WEST. (District V)

Agenda Report No. 99-207.

Staff Recommendation: Approve the request.
MAPC Recommendation: Approve the request.

Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A-99-12

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DR 98-9

DR 98-9 - PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS.

Agenda Report No. 99-208.

Staff Recommendation: Approve the amendments.
MAPC Recommendation: Approve the amendments.

The initial primary reason for amending the Subdivision Regulations was to implement a ~~A~~streamlining idea that was enabled by a change in the planning statutes, permitting platted lots to be ~~A~~splitted into more than two lots by an administrative procedure rather than the full (re)planning requirement. Since the regulations were being opened to review, it also seemed appropriate to update other sections in order to eliminate ambiguities and better reflect informal policies and practices that have developed over the past six to eight years, when the regulations were previously reviewed. These policies and practices include the ~~A~~one-step plat procedure, interpretation of lot size requirements, street design standards, floodplain and drainage requirements, and elimination of setback and lot width requirements.

Planning staff prepared a draft with proposed amendments, circulated the draft to various City and County departments for comments and suggestions, and met separately with representatives of the local builders association prior to review by the Subdivision Committee of the Planning Commission. The Subdivision Committee reviewed the proposed amendments on September 3, September 17, October 22, December 10, and on December 31, 1998.

The MAPC held the public hearing on January 28, 1999 and voted unanimously to recommend the amendments proposed by staff.

These amendments to the Wichita-Sedgwick County Subdivision Regulations will affect properties both inside the city limits and in the unincorporated area of Sedgwick County. Both the City Council and the Sedgwick County Commission will need to approve the amendments in order for them to be in full effect. Legal Departments for both the City and the County have reviewed the amendments and approved the form for the respective adopting Ordinances and Resolutions.

Motion --
-- carried

Knight moved that the amendments be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending the Wichita-Sedgwick County Subdivision Regulations, introduced and under the rules laid over.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice; preliminary discussions relating to the acquisition of real property for public purposes; and the regular meeting be resumed no later than 11:30 a.m. in the City Council Chambers. Motion carried 7 to 0.

RECESS

Council recessed at 11:05 a.m. and reconvened in regular session at 11:30 a.m.

Vice Mayor Gale

Vice Mayor Gale announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 11:30 a.m.

Pat Burnett
City Clerk